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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | ATTORNEY DOCKET NUMBER |
| | | 83339 |
| | | U.S. APPLICATION NO. (if known, see 37 CFR 1.5) |
| | | 10/505,403 |
| INTERNATIONAL APPLICATION NO. PCT/IB02/00541 | INTERNATIONAL FILING DATE February 25, 2002 | PRIORITY DATE CLAIMED February 26, 2001 |
| TITLE OF INVENTION CULTIVATION OF PLANTS | | |
| APPLICANT(S) FOR DO/EO/US Nieuwoudt, Gert Johannes van Taak | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371c(4)) 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| <i>Items 11. to 20. below concern document(s) or information included:</i> | | |
| <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.. 13. <input type="checkbox"/> A Preliminary Amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: a copy of Notification of Missing Requirements under 35 USC 371 | | |
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" | | |
| "Express Mail" Mailing Label Number <u>EV 214709360 US</u> | | |
| Date of Deposit <u>12/16/04</u> | | |
| I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | | |
| <u>EDWARD PRICE</u> | | |
| (Typed or printed name of person mailing) | | |
| <u>Edward Price</u> | | |
| (Signature of person mailing) | | |

| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/505,403 | INTERNATIONAL APPLICATION NO. PCT/IB02/00541 | ATTORNEY DOCKET NUMBER 83339 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|---------------------------------|----------|---------|--------|--------------|--------------|------|--|--|--------------|----|--------|---|---|---------|--------------------|---|-------|---|---|---------|---|--|--|--|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|---------------------------|--|--|--|--|--|---|--|--|--|--|--|-------------------------------------|--|--|--|--|--|---|--|--|--|--|--|--------------------------------------|--|--|--|--|--|--|--|--|---------------|--|--|---------------------|--|--|---------------------------------|--|--|
| <p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$ 920.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 770.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$ 730.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$ 100.00</p> | | CALCULATIONS PTO USE ONLY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | \$ 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th colspan="2"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>15</td> <td>- 20 =</td> <td>0</td> <td>x</td> <td>\$18.00</td> </tr> <tr> <td>Independent Claims</td> <td>3</td> <td>- 3 =</td> <td>0</td> <td>x</td> <td>\$86.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td colspan="2">\$290.00</td> </tr> <tr> <td colspan="6" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS = \$ 130.00</td> </tr> <tr> <td colspan="6">Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to:</td> </tr> <tr> <td colspan="6" style="text-align: right;">SUBTOTAL = \$ 0.00</td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> </tr> <tr> <td colspan="6" style="text-align: right;">TOTAL NATIONAL FEE = \$ 0.00</td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.</td> </tr> <tr> <td colspan="6" style="text-align: right;">TOTAL FEES ENCLOSED = \$ 0.00</td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">12/22/2004 SNAJARRO 00000058-061135 10505403</td> <td colspan="3" style="border-bottom: 1px solid black; text-align: right;">AMOUNT TO BE:</td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">01 FC:2617 65.00 DA</td> <td colspan="3" style="border-bottom: 1px solid black; text-align: right;"> Refunded \$ Charged \$ 65.00 </td> </tr> </tbody> </table> | | | | | | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | Total claims | 15 | - 20 = | 0 | x | \$18.00 | Independent Claims | 3 | - 3 = | 0 | x | \$86.00 | MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | \$290.00 | | TOTAL OF ABOVE CALCULATIONS = \$ 130.00 | | | | | | Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to: | | | | | | SUBTOTAL = \$ 0.00 | | | | | | Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | | | TOTAL NATIONAL FEE = \$ 0.00 | | | | | | Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. | | | | | | TOTAL FEES ENCLOSED = \$ 0.00 | | | | | | 12/22/2004 SNAJARRO 00000058-061135 10505403 | | | AMOUNT TO BE: | | | 01 FC:2617 65.00 DA | | | Refunded \$ Charged \$ 65.00 | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total claims | 15 | - 20 = | 0 | x | \$18.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Independent Claims | 3 | - 3 = | 0 | x | \$86.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| TOTAL OF ABOVE CALCULATIONS = \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 12/22/2004 SNAJARRO 00000058-061135 10505403 | | | AMOUNT TO BE: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 01 FC:2617 65.00 DA | | | Refunded \$ Charged \$ 65.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>18. <input checked="" type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>19. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1135 in the amount of \$ <u>65.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. (Trans. No. <u>19262</u>)</p> <p>20. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>SEND ALL CORRESPONDENCE TO:</p> <p>FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A.</p> <p>Telephone: (312) 577-7000 Facsimile: (312) 577-7007</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Kenneth H. Samples</u> SIGNATURE Kenneth H. Samples NAME <u>25,747</u> REGISTRATION NUMBER | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



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|-----------------------------|----------------------------------|------------------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/505,403 | Gert Johannes van Taak Nieuwoudt | 169-83339 |
| | | INTERNATIONAL APPLICATION NO. |
| | | PCT/IB02/00541 |
| | | LA. FILING DATE PRIORITY DATE |
| | | 02/25/2002 02/26/2001 |

Fitch Even Tabin & Flannery
 120 South LaSalle Street
 Suite 1600
 Chicago, IL 60603-3406

CONFIRMATION NO. 7404
371 FORMALITIES LETTER

 OC000000014634517

Date Mailed: 12/01/2004

Due 2/1/05

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/19/2004
- Copy of the International Search Report filed on 08/19/2004
- Copy of IPE Report filed on 08/19/2004
- Preliminary Amendments filed on 08/19/2004
- Information Disclosure Statements filed on 08/19/2004
- Small Entity Statement filed on 08/19/2004
- Copy of references cited in ISR filed on 08/19/2004
- U.S. Basic National Fees filed on 08/19/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/505,403 | PCT/IB02/00541 | 83339 |

FORM PCT/DO/EO/905 (371 Formalities Notice)